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10/085,661

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Kelan C. Silvester

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BLAKELY SOKOLOFF TAYLOR & ZAFMAN  
1279 OAKMEAD PARKWAY  
SUNNYVALE, CA 94085-4040

EXAMINER

TRAN, PHUC H

ART UNIT

PAPER NUMBER

2616

MAIL DATE

DELIVERY MODE

10/31/2007

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/085,661

Applicant(s)

SILVESTER, KELAN C.

Examiner

PHUC H. TRAN

Art Unit

2616

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 10 August 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-19, 21-35 and 37 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 21-31, 33-35 and 37 is/are allowed.
- 6) ☒ Claim(s) 1-3, 5, 7, 8, 11-13, 15, 17 and 18 is/are rejected.
- 7) ☒ Claim(s) 4, 6, 9, 10, 14, 16, 19 and 20 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- ☐ Notice of Informal Patent Application
- ☐ Other: \_\_\_\_\_

**DETAILED ACTION**

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-3,5,7,8,11-13,15, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Larsson et al. (U.S. Patent No. 6697638 B1) in view of Fiechter et al. (U.S. Patent No. 7219123 B1).

- With respect to claims 1, and 11, Larsson teaches a method comprising: detecting at least two audio sources within communication range of a wireless device (col. 3, lines 26-31 and col. 4, lines 6-14);

establishing an audio link with each audio source devices of the at least two detected audio sources (col. 3, lines 36-40 and col. 4 line 8-11); and

providing, via at least two device audio channels, audio streams to a user of the wireless device, wherein the audio streams are from one or more of the predetermined number of audio source devices with an established audio link to the wireless device (e.g. the car kit and handheld phone communicate to each other as Fig. 2, col. 4, lines 11-14); and Larsson fails to teach switching between the at least two audio channels in response to a user voice request. Fiechter discloses user voice selecting the audio sources (col. 18, lines 66-67 to col. 19, lines 1-2).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time of the

invention was made to implement the method of selecting the sources by the user to Larsson's invention for switching audio sources as user voice request to hand-frees selection.

- With respect to claims 2, &12, Larsson also teaches wherein detecting the audio sources further comprises:

polling a surrounding area of the wireless device for audio sources within a pre-determined distance of the wireless device (col. 3, lines 60-67);

when an audio source is detected, initiating an authentication handshake with an audio source device of the detected audio source (col. 3, lines 33-35);

once the detected audio source device is authenticated, initiating creation of an audio link with the authenticated audio source device (col. 3, lines 36-40); and

repeating the polling, initiating and initiating until an audio link is established with the pre-determined number of the detected audio source devices (col. 4, lines 1-5).

- With respect to claims 3, &13, Larsson further teaches wherein initiating the authentication handshake further comprises:

determining a device ID of the detected audio source device (col. 4, lines 15-20);

determining, according to the device m, whether the detected audio source device is a trusted device (col. 4, lines 28-30);

when the audio source device is a trusted device, authenticating the device to enable creation of an audio link between the detected audio source device and the wireless device (col. 4, lines 51-55); and

otherwise, disregarding the detected audio source device (col. 4, lines 30-31).

- With respect to claims 5, and 15, Larsson teaches wherein establishing an audio link further comprises: selecting an authenticated audio source device (col. 4, lines 8-14);

generating a communication connection with the authenticated audio source device to form an audio link between the headset device and the selected audio source device (col. 4, lines 15-20); and

repeating the selecting and generating until the pre-determined number of audio links are established (col. 4, lines 1-5).

- With respect to claims 7-8, & 17-18, Larsson also teaches wherein providing the audio sources to the user further comprises:

generating a device audio channel for each established audio link with a detected audio source device (e.g. Fig. 2 shows links between the master and slave);

receiving, from the user, a selection for one or more of the generated device audio channels; and

providing, via the one or more selected device audio channels, selected audio streams to the user via the wireless device.

***Allowable Subject Matter***

3. Claims 21-31, 33-35 and 37 are allowed.

Claim 4, 6, 9-10, 14, 16, and 19-20, are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Response to Arguments***

4. Applicant's arguments with respect to claims 1-3,5,7,8,11-13,15, 17, and 18 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.


6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PHUC H. TRAN whose telephone number is (571) 272-3172. The examiner can normally be reached on M-F (8-4:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, CHI PHAM can be reached on (571) 272-3179. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Phuc Tran  
Assistant Examiner  
Art Unit 2616

P.t  
10/25/07

  
CHI PHAM  
SUPERVISORY PATENT EXAMINER  
10/29/07